



January 26, 2000

State of California
Dept. of Water Resources - Central District
3251 S Street
Sacramento, CA 95816

RE: Proposed Waldo Dam Project, YCWA

To Whom It May Concern:

The Sierra Foothills Audubon Society (SFAS) strongly opposes the Waldo Dam proposal to dam Dry Creek and flood the Spenceville Wildlife & Recreation Area (SWRA). SWRA is considered the premier bird watching destination in Nevada County and SFAS has been leading field trips at the wildlife area for years.

Audubon-California's Important Bird Areas (IBA) program is part of an international effort to identify key sites that provide essential and critical habitat for one or more species of birds. These sites are judged by criteria that include areas important for populations of threatened or endangered species and sites where there are significant assemblages or high diversity of birds. The exceptional richness of species diversity, along with a long list of special status species occurrences, prompted SFAS's nomination of SWRA as an Important Bird Area and has led to the successful granting of state IBA status for SWRA.

Recently, a small isolated inland population of the California black rail (CBRA), a state Threatened and fully-protected species, was discovered in the SWRA. In a study and research paper commissioned by the California Department of Fish & Game, it was stated that thirteen CBRA sites were found with a total minimum number of 35 individual birds and "...the 35 CBRAs found at Spenceville probably represent a significant proportion of the regional inland distribution of the CBRA in northern California." The population of California black rails at SWRA warrants special protection and consideration.

The nesting and/or foraging requirements for the vast majority of our California special status bird species can be met at SWRA. This claim is supported by the high number of special status species occurrence reports at SWRA (see attachments) and by the many active members of our chapter working as environmental consultants and biologists, two of whom were commissioned to do long-term studies of the avifauna at SWRA by the California Department of Fish and Game. The variety and high quality habitats in the SWRA are critical for reversing the downward population trends for these birds "on the edge", especially the California black rail and the state Endangered willow flycatcher.

**SIERRA
FOOTHILLS
AUDUBON
SOCIETY**

P. O. BOX 1937
GRASS VALLEY, CA
95946
Voice mail:
530-272-0981
Email: maryamil@jps.net

MISSION STATEMENT:

IT IS THE MISSION OF THE
SIERRA FOOTHILLS
AUDUBON
SOCIETY
TO EDUCATE
OURSELVES AND OTHERS
TO
THE VARIETY AND THE
BEAUTY
OF OUR NATURAL
ENVIRONMENT AND TO
PROTECT OUR WILDLIFE
AND
NATURAL PLACES

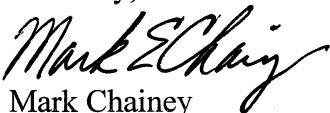
The Dry Creek corridor is the highest ranking foothill stream in need of protection in Nevada County according to a cooperative two-year study between The Nature Conservancy and the Nevada County Conservation Alliance (NCCA), a coalition of eleven conservation groups and land trusts, and SFAS. The Dry Creek corridor is recognized as an important migration route for neotropical migrant birds, native fish, and other wildlife. Dry Creek drains into the Bear River in the immediate vicinity of the confluence of the Bear and Feather rivers and Audubon's 434-acre Bobelaine Sanctuary, jointly managed by Audubon-California and the Sacramento Audubon Society. Migrating birds, native fish, and wildlife passing through the Bobelaine Sanctuary enter the Dry Creek corridor, which penetrates the Sierra foothills by way of Beale Air Force Base and the Beale AFB vernal pool preserve, and enter into the adjacent SWRA.

Reported occurrences of the Central Valley steelhead trout, a federally Threatened species, and the fall run chinook salmon, have been reported at Spenceville. These sightings may occur in Fish and Game studies and would be deemed highly likely to occur at SWRA due to the fact that small runs of these fish species are reported in the Habitat Conservation Management Plan for Beale AFB prepared by the environmental consulting firm of Jones & Stokes Associates, March 1999. Staff biologists at the Beale AFB report having seen on the AFB these species successfully negotiating a small fish ladder on Dry Creek approximately one mile from SWRA. As of this date, Dry Creek maintains a rare foothill connection to the sea at a time when "all but three Sierra streams over forty miles long have been dammed" (Sierra Nevada Ecosystem Project (SNEP) report to Congress, 1996). SFAS believes that the presence of these two declining native fish species in Dry Creek warrants an extensive evaluation by CalFed and other agencies as to the extent and potential of habitat enhancement possibilities.

Sierra Foothills Audubon Society does not accept the definition by the Yuba County Water Agency (YCWA) of the term "off stream storage facility" to describe the damming of Dry Creek. Though the brunt of the water supply would be siphoned from the Yuba River, "off stream" could not adequately describe the destruction of one of the finest examples of riparian and aquatic habitat in Nevada County and the resultant further loss of habitat for special status species. According to a report on the Waldo project prepared for the California State University - Sacramento's Environmental Studies Department, Donn Wilson, Engineer and Administrator for the YCWA considers Dry Creek to be "intermittent". We believe this is simply untrue. USGS maps indicate that Dry Creek is a perennial stream six miles east and upstream from SWRA. More important, conversations with long-time landowners in the upper watershed reveal that Dry Creek has not run dry in over twenty years. Broad corridors of mature cottonwood and willow riparian forests and associated wetlands attest to the presence of year-round flows and wildlife have responded accordingly.

The importance of preserving Nevada County's last, best places cannot be overstated. Quite simply, we have a choice at this point in time either to turn our faces away from our natural treasures or to commit ourselves, as much as we are able, to their preservation. Sierra Foothills Audubon Society chooses the latter.

Sincerely,



Mark Chainey
(530) 265-8239

Conservation Chair - Nevada County
Sierra Foothills Audubon Society

**Special Status Species Observed at
Spenceville Wildlife Area (SWA)
(See California Dept. of Fish & Game
Management Plan for SWA)**

Special Status Species are species that are listed as either endangered or threatened by either the state or federal governments' Endangered Species Acts. In California, there is also a list of state Species of Special Concern which are being monitored for possible inclusion into the state's list of endangered or threatened species.

KEY:

DFG : CSC	California Dept. of Fish & Game : California Species of Special Concern
FWS : MNBMC	US Fish & Wildlife Service : Migratory Nongame Birds of Management Concern
ST : FSC	State Threatened : Federal Special Concern Species
SE	State Endangered

Bald eagle (*Haliaeetus leucocephalus*) **DFG:CSC**
Golden eagle (*Aquila chrysaetos*) **DFG:CSC** (Potential nesting habitat exists)
Ferruginous hawk (*Buteo regalis*) **DFG:CSC & FWS:MNBMC**
Northern harrier (*Circus cyaneus*) **DFG:CSC** (Fairly common to common in winter)
White-tailed kite (*Elanus leucurus*) **FWS:MNBMC** (No nesting records but suitable habitat)
Cooper's hawk (*Accipiter cooperi*) **DFG:CSC** (Nests at Spenceville)
Sharp-shinned hawk (*Accipiter striatus*) **DFG:CSC**
Merlin (*Falco columbarius*) **DFG:CSC**
Prairie falcon (*Falco mexicanus*) **DFG:CSC**
California black rail (Full species) (*Laterallus jamaicensis coturniculus*) **ST:FSC**
Long-eared owl (*Asio otus*) **DFG:CSC** (Nesting records for Spenceville)
Black swift (*Cypseloides niger*) **DFG:CSC & FWS:MNBMC** (Overflight observations only)
Olive-sided flycatcher (*Contopus borealis*) **FWS:MNBMC** (Usually seen atop prominent snags)
Willow flycatcher (*Empidonax trailii*) **SE** (Fairly common stopover species)
California horned lark (*Eremophila alpestris actia*) **DFG:CSC** (Overflight observations only)
Loggerhead shrike (*Lanius ludovicianus*) **DFG:CSC** (Breeds in small numbers)
Grasshopper sparrow (*Ammodramus savannarum*) **FWS:MNBMC** (Strongly suspected nester)
Hermit warbler (*Dendroica occidentalis*) **FWS:MNBMC** (One observation only)
Yellow warbler (*Dendroica petechia brewsteri*) **DFG:CSC** (Common breeder, widespread in fall)
Yellow-breasted chat (*Icteria virens*) **DFG:CSC** (Common breeder)
Lawrence's goldfinch (*Carduelis lawrencei*) **FWS:MNBMC** (Locally common March - June)
Bewick's wren (*Thryomanes bewickii*) **FWS:MNBMC**
Tricolored blackbird (*Agelaius tricolor*) **FWS:MNBMC** (Nesting colony)

APPENDIX B

BIRDS OBSERVED AT SPENCEVILLE WILDLIFE AREA 26 MAY 1992 - 15 JULY 1994
(WILLIAMS, 1994)

Pied-billed Grebe	N	Sandhill Crane	—	Cliff Swallow	N	Townsend's Warbler	—
American White Pelican	—	Northern Bobwhite	—	Barn Swallow	N	Hermit Warbler	—
Double-crested Cormorant	—	Killdeer	N	Stellar's Jay	—	American Redstart	—
Great Blue Heron	N*	Greater Yellowlegs	—	Scrub Jay	N	MacGillivray's Warbler	—
Great Egret	—	Spotted Sandpiper	—	Yellow-billed Magpie	N	Common Yellowthroat	?
Green Heron	n	Common Snipe	N	American Crow	n	Wilson's Warbler	—
Lundra Swan	—	Caspian Tern	—	Plain Titmouse	N	Yellow-breasted Chat	N
Snow Goose	—	Rock Dove	?	Dushtit	N	Western Tanager	?
Canada Goose	?	Band-tailed Pigeon	—	White-breasted Nuthatch	N	Black-headed Grosbeak	N
Wood Duck	N	Mourning Dove	—	Brown Creeper	—	Lazuli Bunting	N
Green-winged Teal	—	Barn Owl	n	Rock Wren	?	Rufous-sided Towhee	N
Mallard	N	Western Screech-Owl	n	Hewick's Wren	N	California Towhee	N
American Wigeon	—	Great Horned Owl	N	House Wren	N	Rufous-crowned Sparrow	N
Redhead	—	Long-eared Owl	N	Marsh Wren	?	Chipping Sparrow	N
Ring-necked Duck	—	Black Swift	?	American Dipper	N	Drewet's Sparrow	—
Dufflehead	—	Black-chinned Hummingbird	N	Golden-crowned Kinglet	—	Vesper Sparrow	—
Common Merganser	?	Anna's Hummingbird	n	Ruby-crowned Kinglet	—	Lark Sparrow	N
Ruddy Duck	?	Rufous Hummingbird	—	Blue-gray Gnatcatcher	N	Black-throated Sparrow	n
Turkey Vulture	?	Belted Kingfisher	N	Western Bluebird	N	Savannah Sparrow	—
Osprey	—	Lewis' Woodpecker	—	Mountain Bluebird	—	Grasshopper Sparrow	n
White-tailed Kite	N	Acorn Woodpecker	n	Hermit Thrush	—	Fox Sparrow	—
Bald Eagle	—	Red-breasted Sapsucker	—	Swainson's Thrush	—	Song Sparrow	N
Northern Harrier	?	Nuttall's Woodpecker	N	American Robin	N	Lincoln's Sparrow	—
Sharp-shinned Hawk	—	Downy Woodpecker	N	Varied Thrush	—	Swamp Sparrow	—
Cooper's Hawk	N	Northern Flicker	?	Wrenit	n	Golden-crowned Sparrow	—
Red-shouldered Hawk	n	Olive-sided Flycatcher	—	Northern Mockingbird	n	White-crowned Sparrow	—
Red-tailed Hawk	N	Western Wood-Pewee	n	Sage Thrasher	—	Dark-eyed Junco	—
Ferruginous Hawk	—	Willow Flycatcher	—	American Pipit	—	Red-winged Blackbird	N
Golden Eagle	?	Hammond's Flycatcher	—	Cedar Waxwing	—	Tricolored Blackbird	?
American Kestrel	N	Dusky Flycatcher	—	Phainopepla	N	Western Meadowlark	N
Merlin	—	Gray Flycatcher	—	Loggerhead Shrike	N	Drewet's Blackbird	N
Prairie Falcon	—	Pacific-slope Flycatcher	n	European Starling	N	Brown-headed Cowbird	N
Ring-necked Pheasant	?	Black Phoebe	N	Solitary Vireo	?	Northern Oriole	N
Wild Turkey	N	Say's Phoebe	—	Hutton's Vireo	N	Purple Finch	N
California Quail	N	Ash-throated Flycatcher	N	Warbling Vireo	?	House Finch	N
California Gull	—	Western Kingbird	N	Orange-crowned Warbler	N	Pine Siskin	—
Virginia Rail	n	Horned Lark	?	Nashville Warbler	—	Lesser Goldfinch	N
Sora	?	Tree Swallow	N	Yellow Warbler	N	Lawrence's Goldfinch	N
Common Moorhen	N	Violet-green Swallow	N	Yellow-rumped Warbler	—	American Goldfinch	N
American Coot	N	North Rough-winged Swallow	N	Black-throated Gray Warbler	—	House Sparrow	?

NOTES:

N = confirmed nester

N* = previously known nester not suspected of nesting during study period

n = strongly suspected nester, many all but confirmed

? = possible nester based on seasonal sightings on SWA, habitat, and general status elsewhere in foothills or valley

Scientific names may be found in Meyer and Laudenslayer, 1988.

White tail kite is also known as black shouldered kite

Sierra Foothills Audubon Society
P.O. Box 1937
Grass Valley, CA 95945

Received
11/26/2000

B160 Scoping Comments

State of California
Dept. of Water Resources - Central District
3251 S Street
Sacramento, CA 95816